

REMARKS/ARGUMENTS

This Amendment is in response to the Office Action of July 15, 2005 in which the Examiner rejected claims 1 and 10-13 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,067,460 ("**Alanara**") in view of U.S. Patent No. 5,857,154 ("**Laborde**"), and (2) objected to claims 2-9, and 14-21 as being dependent upon a rejected base claim but stated such claims would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims.

By the present Amendment, claims 1 - 3, 10 - 12, 14 and 15 have been amended, claim 13 has been cancelled, and claims 22 - 25 have been added. Thus, claims 1 - 12 and 1 - 25 are now pending.

Applicants appreciate the courtesy extended by the Examiner in the telephone interview with Applicants' attorney on August 9, 2005. Applicants have amended the independent claims in order to reflect some of the discussion during that interview, and in order to more clearly distinguish the claimed subject matter from the cited references (**Alanara** and **Laborde**).

As stated in the previous Amendments, one embodiment of Applicants' invention -- as exemplified in claim 1 -- relates to a method for acquiring and managing communication modes for maximizing the performance of mobile subscriber units in a single wireless network, where the subscriber units operate in both a static state and a mobile state within that single network. In particular, claim 1 recites such a method having the steps of sensing whether the subscriber units are static or mobile based on the quality of communications links with nearby fixed network devices, and enabling an acquisition protocol suited to the static mode and the mobile mode. As described in the specification, the protocol is suited for devices having both modes in order to maximize total overall performance by transitioning between a higher performance static mode and a lower speed, trimmed down mobile state. In the embodiment of claim 1, the method has an acquisition protocol that is suited for both modes, and an acquisition protocol suited to a mobile mode when in the subscriber unit is in a mobile state and suited to a static mode when the subscriber unit is in a fixed (static) state.

Claim 1 now also recites the step of "initiating procedures to determine if it is appropriate to change acquisition mode from static mode to mobile mode upon a failure of packets between the subscriber unit and other linked devices in the network." Similar language has also been added to independent claims 10, 11 and 12.

In regard to this last mentioned limitation, and as described in the specification (page 5, lines 12 - 23), procedures for determining whether to change the acquisition mode are initiated when, e.g., the subscriber unit misses consecutive heartbeat packets, loses MCELL information, experiences consecutive failures of routed packets, or makes consecutive attempts to an MCDN device (i.e., because of failure to successfully transmit packets). Applicants believe this limitation now recited in the independent claims incorporates the various conditions described in the Specification and previously recited in dependent claims 2 and 3, and is not taught, shown or suggested by either **Alanara** or **Laborde**.

Alanara discloses a cellular telephone network where wireless units are in either a static state or mobile state. The state is determined by measuring RSSI (received signal strength indicator) and possibly bit or word error rates (col. 5, lines 3 - 14). If in a static state, the wireless units suspend or minimize neighbor channel measurements (used for selecting the best possible channel), in order to decrease standby power consumption (col. 5, lines 23 - 27). However, unlike Applicants' invention, **Alanara** does not disclose an acquisition protocol (rather, the static and mobile modes in **Alanara** are only for determining whether the unit can suspend neighbor channel measurements in order to conserve power). Further, **Alanara** does not disclose changing an "acquisition mode from static mode to mobile mode upon a failure of packets between the subscriber unit and other linked devices in the network," as now recited in claim 1.

Laborde discloses a network where a wireless telephone may operate in either (1) a faster static rate when communicating with a low tier base station (e.g., if the phone is carried by a pedestrian) and (2) a slower mobile rate when communicating with a high tier base station (e.g., when the phone is in a moving vehicle). See col. 2, lines 42 - 58, and col. 5, lines 57 - 60. The telephone determines whether to communicate with the low or high tier base stations based on the strength of signals from the low and high tier base stations (col. 3, lines 9-

20). However, the base stations do not each communicate "with both static and mobile subscriber units within the single network," as recited in claim 1. Rather, in **Laborde** the low tier base stations only communicate with static phones and the high tier base stations only communicate with mobile phones. Further, **Laborde** appears to disclose two different networks of base stations (low tier base stations and high tier base stations), and thus has complex managing functions for handing off phones from one tier to the other tier (see col. 7, lines 14 - 57). This is not the same environment or "single network" as in Applicant's claimed invention (for example claim 1), where there is a single network having at least some fixed network devices that communicate with "both static and mobile subscriber units."

Even if combined, **Alanara** and **Laborde** would not teach, show or suggest Applicants' invention. Such a combination would show no more than subscriber units that conserve power when in a static mode (as opposed to a mobile mode), and which would have different acquisition modes when communicating with different base stations. This is not the same as Applicants' claimed environment and network where at least some fixed network devices communicate with "both static and mobile subscribe units" (e.g., as recited in claim 1).

Independent claims 10, 11 and 12 recite limitations similar to those in claim 1 and are believed allowable over **Alanara** and **Laborde**, either alone or as combined, for the same reasons.

Likewise, the dependent claims 2-9 and 14-25, recite various limitations in addition to those of their respective parent claims, and are believed allowable for the same reasons as given above.

As discussed during the telephone interview on August 9, 2005, if the Examiner believes minor revisions to the claims are still needed to put the claims in allowable form, it is respectfully requested that Applicants' attorney be telephoned for purposes of accomplishing the same.

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Amdt. dated August 17, 2005
Reply to Office Action of July 15, 2005

PATENT

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,



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